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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,418

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Arben Kryeziu

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.

P.O. BOX 2938

MINNEAPOLIS, MN 55402

EXAMINER

JEAN, FRANTZ B

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

04/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/802,418	<b>Applicant(s)</b> KRYEZIU, ARBEN	
	<b>Examiner</b> Frantz B. Jean	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/7/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is in response to applicants' response filed on 01/07/08. Claims 1-14 are pending in this application.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 01/07/08 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Shapiro  
US PUB NO. 2006/0242275.

As per claim 1, Shapiro teaches a method to process media data, comprising: receiving a request for media data from a requestor (par 0063; 0077); compressing the media data with a custom pixel resolution based on a connection rate of the requestor (0126), wherein the connection rate is associated with a rate of transmission for communication over the network with the requestor (see fig 1-2; par 0066 and 0069 discuss communication over the network); and streaming media player and the compressed media data to the requestor at the connection rate (par 0076-0077, 0142)

As per claim 2, Shapiro teaches a method of claim 1 wherein the compressing further includes receiving the custom pixel resolution from the requestor in response to a query issued to the requestor (0142, 019, and 0126).

As per claim 4, Shapiro teaches a method of claim 1 wherein the compressing further includes decreasing the custom pixel resolution when the connection rate is lower than a threshold (par 0077, 0126, 019, 0206).

As per claim 5, Shapiro teaches a method of claim 1 wherein the compressing further includes increasing the custom pixel resolution when the connection rate is higher than a threshold (par 0077, 0126, 019, 0206).

As per claim 6, Shapiro teaches a method of claim 1 further comprising encrypting the compressed media data before streaming to the requestor (par 0008, 0128, 0208).

As per claim 7, Shapiro teaches a method of claim 6 wherein the encrypting further includes permitting only the portions of the media player which is streamed with

the compressed and encrypted media data to know the decryption algorithm necessary to play the media data for the requester (0117, 0128, 0208).

As per claim 8, Shapiro teaches a media data server, comprising: a data store having media data (0077); a media player (0077); and a streaming application to stream portions of the media data (0117) from the data store to a requester in a compressed format along with the media player that plays the compressed format of the portions of the media data, and wherein the portions of the compressed media data are altered to achieve a custom pixel resolution based on a connection rate associated with the requester, and wherein the media player self-loads and executes within an environment of the requestor and is configured to decompress ... wherein the connection rate is associated with a rate of transmission for communication over the network with the requestor (see fig 1-2; par 0066 and 0069 discuss communication over the network; furthermore, see par 0077, 0126, 019, 0206).

As per claim 9, Shapiro teaches a media data server of claim 8 wherein the compressed media data is also encrypted and the portions of the media player include the decryption algorithm necessary to decrypt the portions of the media data (par 0008, 0128, 0208).

As per claim 10, Shapiro teaches a media data server of claim 8 wherein the media data server interacts with the requestor to determine the connection rate (par 0076-0077, 0142)

As per claim 11, Shapiro teaches a media data server of claim 8 wherein the media data is stored in a single format and is not duplicated within the data store (0175, 0198).

As per claim 13, Shapiro teaches a media data server of claim 8 wherein the portions of the compressed media data is also encrypted and the encryption technique is customized to correspond with specific instances of the media player (par 0008, 0128, 0208).

As per claim 14, Shapiro teaches a media data server of claim 8 wherein the media data natively resides within the data store in a compressed format (0175, 0198).

#### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro in view of Huntington US patent No. 6,970,937 B1.

As per claims 3, 12, Shapiro teaches all the limitations of the claim as stated above. However, Shapiro fails to teach live broadcast. Huntington teaches this limitation. (see abstract). It would have been obvious to one of ordinary skill in the art to combine Huntington live broadcast to Shapiro for real-time information transfer. One skill artisan at the time of the invention would be motivated to do so to deliver live information to a wide range of long distance customers unable to attend an event, thereby facilitating information access.

### ***Response to Arguments***

Applicant's arguments filed 01/07/08 have been fully considered but they are not persuasive.

Applicants argued that Shapiro does not teach streaming media player with a content and compress to a custom pixel resolution based on a rate of transmission associated with communication with a requestor over a network.

Examiner submits that Shapiro teaches that feature. Shapiro streams the media player and compress to a custom pixel resolution based on rate of transmission associated with requestor (for example, par 0077-0097 discuss the media transmission; the pixel resolution and rate of transmission associated with requestor. It must be noted that compression to a custom pixel resolution is automatic in Shapiro (see par 0080 for image acceptance or denial). Furthermore, par 0098 discusses identification of user's configuration for media transfer purpose. Examiner believes that Shapiro teaches all the concept of the claimed invention as written. Therefore, the rejection should be maintained.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantz B. Jean/  
Primary Examiner, Art Unit 2154